

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHERINE JACKMAN,	:	
	:	<b><u>ORDER</u></b>
Plaintiff,	:	
	:	CV-06-895 (BMC) (VVP)
- against -	:	
	:	
WEIL, GOTSHAL & MANGES, LLP,	:	
	:	
Defendant.	:	
-----X	:	

COGAN, District Judge.

At the final pretrial conference on July 9, 2007, I reserved decision on the admissibility of defendant's proposed Exhibit D (a November 29, 2005 letter to plaintiff from an EEOC investigator enclosing a right to sue notice), and ordered the parties to file letters addressing the issue. After considering the submissions [64, 65], I find that the document is inadmissible at trial.

Plaintiff's argument that the document lacks trustworthiness and therefore falls outside the public records exception to the hearsay rule is without merit. However, the document's probative value is outweighed by the danger of undue prejudice and the likelihood that plaintiff's effort to demonstrate its unreliability will confuse the jury and result in an undue waste of time. See Fed.R.Evid. 403; Paolitto v. John Brown E.&C., Inc., 151 F.3d 60, 65 (2d Cir. 1998). Defendant will have a full opportunity to present to the jury all of the evidence it submitted to the EEOC, and the sole purpose of admitting the letter would be to suggest to the jurors that they should reach the same conclusions as

the agency. See id. (internal citations and quotations omitted). Therefore, the document is inadmissible at trial.

**SO ORDERED.**

s/ Brian M. Cogan

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U.S.D.J.

Dated: Brooklyn, New York  
August 3, 2007